

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROBERT VANHAM,)	
)	
Plaintiffs,)	Case No.:
)	
v.)	
)	
COMCAST CABLE COMMUNICATIONS)	
MANAGEMENT, LLC, FINANCIAL)	
BUSINESS AND CONSUMER)	
SOLUTIONS, INC., and SEQUIEM ASSET)	
SOLUTIONS, LLC,)	
)	
Defendants.		

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant, Financial Business and Consumer Solutions, Inc., by and through its counsel of record, Gordon Rees Scully Mansukhani, LLP, hereby files its Notice of Removal of the action styled *Robert Vanham v. Comcast Cable Communications Management, LLC, Financial Business and Consumer Solutions, Inc., and Sequiem Asset Solutions, LLC*, Case Number 20T1516GC, from the 35th District Court, State of Michigan to the United States District Court for the Eastern District of Michigan. The grounds for removal are as follows:

I. THE STATE COURT ACTION

1. On June 11, 2020, Robert Vanham (“Plaintiff”) commenced an action in the 35th District Court, State of Michigan styled *Robert Vanham v. Comcast Cable Communications Management, LLC, Financial Business and Consumer Solutions, Inc., and Sequiem Asset Solutions, LLC*, Case Number 20T1516GC. Pursuant to 28 U.S.C. § 1446(a), copies of all summons, process, pleadings, motions, and orders filed in the State Court Action are attached hereto as “Exhibit A.”

2. Defendant, Financial Business and Consumer Solutions, Inc. (“FBACSI”), first received notice of this lawsuit on June 26, 2020, when it received a copy of Plaintiff’s summons and Petition.

3. Generally, Plaintiff’s Petition alleges that co-defendant Comcast Cable Communications Management, LLC (“CCCLLS”) obtained Plaintiff’s consumer report with no permissible purpose under the Fair Credit Reporting Act; that FBACSI was collecting a debt that it did not owe, in violation of the Federal Debt Collection Act (“FDCPA”); and that a reasonable reinvestigation was not performed per Plaintiff’s request. *See* Exhibit A, Petition, ¶¶ 4-20.

4. Upon this set of alleged facts, Plaintiff claims that FBACSI violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”). Upon the same set of allegations, Plaintiff purports to bring claims against FBACSI and co-defendants for the following: violation of the Michigan Occupational Code, MCL § 339.901(b); Fair Credit Reporting Act, 15 USC § 1681, *et. seq.*; intentional infliction of emotional distress; negligence; negligence *per se*; defamation by libel; and malicious statutory libel. *Id.* at Counts II – XV.

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

5. FBACSI first received notice of the Petition on June 26, 2020, upon its receipt of the summons and Petition. Therefore, its removal of this action is timely in accordance with 28 U.S.C. § 1446(b), because FBACSI’s Notice of Removal was filed within thirty (30) days. *See* 28 U.S.C. § 1446(b); *Reed City Tool & Dye Corp. v. Werth*, 1992 U.S. Dist. LEXIS 14924, *4-5 (W.D. MI 1992).

6. Pursuant to 28 U.S.C. § 1446(a), copies of all summons, process, pleadings, motions and orders that have been filed in the State Court Action are attached as “Exhibit A” hereto.

7. Upon information and belief, co-defendant Comcast Cable Communications Management, LLC has been properly served in this matter. Pursuant to 28 U.S.C. § 1446(b)(2)(A), co-defendant Comcast Cable Communications Management, LLC consents to the removal of this action. Its written consent to removal is attached hereto as “Exhibit B.”

8. Upon information and belief, co-defendant Sequiem Asset Solutions, LLC has been properly served in this matter. Pursuant to 28 U.S.C. § 1446(b)(2)(A), co-defendant Sequiem Asset Solutions, LLC consents to the removal of this action. Its written consent to removal is attached hereto as “Exhibit C.”

9. This Court embraces the locality in which the State Court Action is now pending, making this Court a proper forum pursuant to 28 U.S.C. § 1441(a).

10. No previous application has been made for the relief requested herein.

11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff and co-defendants, and a copy is being filed with the 35th District Court, State of Michigan

12. If any question arises regarding the propriety of the removal of this action, Financial Business and Consumer Solutions, Inc. respectfully requests the opportunity to present a brief and/or oral argument in support of its position that this case is removable.

III. THIS COURT HAS FEDERAL QUESTION JURISDICTION

13. As noted above, Plaintiff purports to set forth a cause of action for claimed violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, and the Fair Credit Reporting Act, 15 USC § 1681, *et. seq.* Therefore, federal question jurisdiction exists over Plaintiff’s claim under 28 U.S.C. § 1331, because the resolution of Plaintiff’s claim will require the adjudication of a disputed question of federal law.

14. Because Plaintiff's claims arise under the laws of the United States, removal of this cause of action is appropriate under 28 U.S.C. §§ 1441(a) – (c).

15. Additionally, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state statutory and common law claims.

WHEREFORE, Defendant Financial Business and Consumer Solutions, Inc. hereby removes the action now pending against it in the 35th District Court, State of Michigan and requests that this Court assume and retain full jurisdiction over this action for all further proceedings.

Dated: July 27, 2020

Respectfully submitted,

By: /s/ Ashley Felton Eckerly
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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2020 I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record, and sent a copy of the foregoing document via email and U.S. Mail to the following:

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Dated: July 27, 2020

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